

I certify that the enclosed is a true and correct copy of HB 1926, which was filed of record on 3-3-93 and referred to the committee on:

licensing & administrative procedure
Betty Murray
Chief Clerk of the House

93 MAR -9 PM 4: 25
HOUSE OF REPRESENTATIVES

FILED MAR 3 1993

By



H.B. No. 1926

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of plumbing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following acts, work and conduct shall be expressly permitted without license:

(a) Plumbing work done by a property owner in a building owned or occupied by him as his homestead;

(b) Plumbing work that is not connected to a public water system and that is done:

(1) outside the municipal limits of any organized city, town or village in this state and not within 10 miles of a city, town or village of 50,000 or more inhabitants; [7] or

(2) within a [any-such] city, town or village of less than [five-thousand-+]5,000[+] inhabitants that is not within 10 miles of a city, town or village of 50,000 or more inhabitants, unless a license is required by ordinance in the [such] city, town or village of less than [five-thousand-+]5,000[+] inhabitants;

(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer,

1 incidental to and in connection with the business in which he is
2 employed or engaged, and who does not engage in the occupation of a
3 plumber for the general public; construction, installation and
4 maintenance work done upon the premises or equipment of a railroad
5 by an employee thereof who does not engage in the occupation of a
6 plumber for the general public; and plumbing work done by persons
7 engaged by any public service company in the laying, maintenance
8 and operation of its service mains or lines to the point of
9 measurement and the installation, alteration, adjustment, repair,
10 removal and renovation of all types of appurtenances, equipment and
11 appliances, including doing all that is necessary to render the
12 appliances useable or serviceable; appliance installation and
13 service work done by anyone who is an appliance dealer or is
14 employed by an appliance dealer, and acting as an appliance
15 installation man or appliance service man in connecting appliances
16 to existing piping installations; water treatment installations,
17 exchanges, services, or repairs. Provided, however, that all work
18 and service herein named or referred to shall be subject to
19 inspection and approval in accordance with the terms of all local
20 valid city or municipal ordinances;

21 (d) Plumbing work done by a licensed irrigator or
22 licensed installer when working and licensed under Chapter 197,
23 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
24 Vernon's Texas Civil Statutes). A person holding a valid license
25 from the Texas State Board of Plumbing Examiners shall not be
26 required to be licensed by any other board or agency when
27 installing or working on a lawn irrigation system;

1 (e) Plumbing work done by an LP Gas installer when
2 working and licensed under Chapter 113, Natural Resources Code, as
3 amended.

4 SECTION 2. Section 15, The Plumbing License Law (Article
5 6243-101, Vernon's Texas Civil Statutes), is amended to read as
6 follows:

7 Sec. 15. MUNICIPAL RULES AND REGULATIONS. Every city or
8 town in this state of 5,000 or more [~~than--five--thousand--(5,000)~~]
9 inhabitants shall, and any city or town of this state of less than
10 5,000 inhabitants may, by ordinance or by-law, prescribe rules and
11 regulations for the materials, construction, alteration and
12 inspection of all pipes, faucets, tanks, valves and other fixtures
13 by and through which a supply of water, gas or sewage is used or
14 carried; and provided that they shall not be placed in any building
15 therein except in accordance with such rules and regulations; and
16 shall further provide that no plumbing shall be done except in case
17 of repairing of leaks, without a permit being first issued therefor
18 upon such terms and conditions as such city or town shall
19 prescribe; provided that no such ordinance, by-law, rule or
20 regulation prescribed by any such city or town shall be
21 inconsistent with this Act, or any rule or regulation adopted or
22 prescribed by the State Board of Plumbing Examiners.

23 SECTION 3. The importance of this legislation and the
24 crowded condition of the calendars in both houses create an
25 emergency and an imperative public necessity that the
26 constitutional rule requiring bills to be read on three several
27 days in each house be suspended, and this rule is hereby suspended,

1 and that this Act take effect and be in force from and after its
2 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

1st Printing

93 MAR 24 AM 8:39
HOUSE OF REPRESENTATIVES

By Hilbert, et al.

H.B. No. 1426

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H.B. No. 1426

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2 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

March 22, 1993
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES
to whom was referred H.B. 1426 by Hilbert have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(XX) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was requested. () yes (X) no

An equalized educational funding impact statement was requested. () yes (XX) no

An actuarial impact statement was requested. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.	X			
Cain				X
Campbell		X		
Carter	X			
Gallegos				X
Goolsby	X			
Hilbert	X			
Jones				X
Thompson, G.	X			
Yarbrough	X			

Total

7 aye
1 nay
0 present, not voting
3 absent

Ron Wilson
CHAIRMAN

**HOUSE COMMITTEE ON
LICENSING AND ADMINISTRATIVE
PROCEDURES**

BILL ANALYSIS

H.B. 1426

BACKGROUND:

Texas cities are experiencing many changes, and the movement of the population of our cities is one of the most noticeable changes. Our population is seeking more space and less congestion to establish their homes and the result has been a newly defined movement: Urban Flight.

Larger cities have well organized building codes and licensing requirements for construction within their jurisdiction. the majority of new home construction occurs within 10 mile radius of city boundaries. these people fall outside the city's jurisdiction and the protection offered by the city's building codes.

PURPOSE:

The bill would allow cities, or towns with a population of 5000 or more to enact by ordinance, by-law to prescribe rules and regulations for standard plumbing repair or installation.

SECTION-BY-SECTION ANALYSIS:

SECTION 1. Amends Section 3, The Plumbing License Law to: (b) Require license for plumbing work connected to public water system unless worker is exempted in another section of this law.

(1) require license for work performed within 10 miles of city limits in city, town or village with population of 50,000 or greater unless worker is exempted in another section of this law.

(2) require license for work performed in city town or village with population of 5,000 or greater if it is within 10 miles of city limits as described in (1) unless worker exempted in another section of law.

SECTION 2. Amends Section 15, the Plumbing License Law: States that every city, or town with a population of 5000 or more to enact by ordinance, or by-law to prescribe rules and regulations for standard plumbing repair or installation. Allows for voluntary compliance for cities of less than 5000 population.

2.

SECTION 3. Emergency Clause.

RULEMAKING AUTHORITY:

It is the opinion of the committee that this bill does not delegate any additional rulemaking authority to any state agency, department, officer, or institution.

SUMMARY OF COMMITTEE ACTION:

H.B. 1426 was heard in a Public Hearing on March 22, 1993. Testifying in favor of the bill was Mr. Thomas Combs, Tx. Plumbing Contractors Assoc.; The following persons registered in favor of the bill, but did not testify: Mr. Travis R. Blair, PHCC of Tx., and MCA of Tx., and NAPHCC; Mr. Sal Nevarez, PHCC of Tx., and NAPHCC. The following persons testified on the bill: Mr. Stanley J. Briers, State Bd. of Plumbing Examiners; Mr. Alonzo L. Starkey III, Tx. State Board of Plumbing Examiners. The following person registered as a resource witness: Mr. Gilbert Kissling, Administrator, State Bd. of Plumbing Examiners. No one testified against the bill. Rep. Yarbrough moved that the full committee adopt H.B. 1426 and that it be reported favorably to the full House with the recommendation that it do pass and be printed. The motion prevailed by the following vote: Ayes (7), Nays (1), Absent (3)

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
73rd Regular Session**

March 22, 1993

TO: Honorable Ron Wilson, Chair
Committee on Licensing and Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1426
By: Hilbert

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1426 (relating to the regulation of plumbing) this office has determined the following:

The bill would enlarge the territorial jurisdiction of the State Board of Plumbing Examiners to license practicing master and journeyman plumbers.

The bill's provisions would not result in any additional operational costs to the Board or increases in personnel. However, the Plumbing Examiners Fund 077 would receive additional revenue from examination and licensing fees received from plumbers currently practicing within the territorial boundaries prescribed by the bill, but who are presently excluded from compliance with the Plumbing License Law. The number of such plumbers is unknown; therefore, anticipated increases in revenue cannot be determined.

No fiscal implication to units of local government is anticipated.

Source: State Board of Plumbing Examiners, Comptroller of Public Accounts
LBB Staff: JO, JWH, DF, RSM, OC

Amendment No. ① By Campbell

Amend HB 1426, 1st printing,
in the following manner:

1) page 1, line 15 & 16 by
striking "10 miles" and
substituting "the ETJ"

+

2) page 1, line 20, by
striking "10 miles"
and substituting "the ETJ"

ADOPTED

APR 13 1993

Becky Murray
Chief Clerk
House of Representatives

ADOPTED

APR 13 1993

Betty Murray
Chief Clerk
House of Representatives

AMENDMENT NO. 2

BY Campbell

Amend H.B. No. 1426 as follows:

(1) On page 1, between lines 3 and 4, insert the following appropriately numbered section:

SECTION _____. Section 2, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i) "Water supply protection specialist" means a person who holds a license endorsement issued by the board to engage in the inspection of plumbing work and installations in connection with health and safety laws and ordinances and who may perform inspections of public water system distribution facilities and customer-owned plumbing that may be connected with the system's water distribution lines.

(2) On page 3, between lines 3 and 4, insert the following appropriately numbered section:

SECTION _____. The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) is amended by adding Section 11A to read as follows:

Sec. 11A. WATER SUPPLY PROTECTION SPECIALIST. (a) The board shall issue an endorsement as a water supply protection specialist to a person licensed under this Act as a master or journeyman plumber if the license holder:

(1) applies to the board on a form prescribed by the board;

1 (2) pays the fee set by the board;
2 (3) presents evidence satisfactory to the board of
3 successful completion of a board-approved certification program for
4 water supply protection specialists; and
5 (4) passes any examination required by the board.

6 (b) An endorsement issued under this section is valid for
7 three years from the date of issuance and may be renewed on
8 compliance with any requirements prescribed by board rule.

9 (c) A license holder who holds an endorsement under this
10 section may hold out the license holder as a water supply
11 protection specialist.

12 (3) Renumber the sections of the bill accordingly.

H. B. No. 1426

By [Signature]
Garbar

A BILL TO BE ENTITLED

AN ACT

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APR 6 1993

Motion to postpone further consideration
of HB No. 1426 until Thurs
April 13 at 10am
prevailed by a non-record vote.

MAR 3 1993 1. Filed with the Chief Clerk.

MAR 4 1993 2. Read first time and Referred to Committee on

LICENSING & ADMINISTRATIVE PROCEDURES

MAR 22 1993 3. Reported favorably (as amended) and sent to Printer at 6:45 pm
(as-substituted) MAR 23 1993

MAR 24 1993 4. Printed and distributed at 8:39 AM

MAR 24 1993 5. Sent to Committee on Calendars at 12:59 pm
APR 13 1993 Motion to table HB 1426 prevailed by non-record vote.

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of yeas, nays,
present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of yeas, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
nays, and present, not voting).

12. Ordered Engrossed at

13. Engrossed.

14. Returned to Chief Clerk at

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
 yeas, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES
93 MAR 24 AM 8:39

11/24